

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BARBARA ANN KUHL,

Plaintiff,

MEMORANDUM AND ORDER  
05-CV-0255(JS)

-against-

UNITED STATES OF AMERICA,

Defendant.

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APPEARANCES:

For Plaintiff: Jeffrey Herzberg, Esq.  
Zinker & Herzberg, LLP  
278 East Main Street, Suite C  
PO Box 866  
Smithtown, NY 11787

For Defendant: Vincent Lipari, Esq.  
United States Attorneys Office  
Eastern District of New York  
610 Federal Plaza, 5th Floor  
Central Islip, NY 11722-4454

SEYBERT, District Judge:

The United States Court of Appeals for the Second Circuit remanded this case to this Court in a decision dated October 18, 2006, which was filed on December 20, 2006 (No. 05-6570-bk) ("Remand Order"). In the Remand Order, the Second Circuit vacated this Court's Order, dated August 16, 2005, which affirmed an Order of the Honorable Stan Bernstein, U.S.B.J., dated September 20, 2004, which denied Plaintiff's motion for attorneys' fees.

In accordance with the Remand Order, this Court instructs the Clerk of the Court to remand this case to the United States Bankruptcy Court for the Eastern District of New York with

instructions to dismiss for lack of jurisdiction.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
December 27, 2006